

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES SHEPARD,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:10CV01927 AGF
)	
GROUP LIFE AND SUPPLEMENTAL)	
LIFE PLAN FOR EMPLOYEES OF)	
STAPLES, INC., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

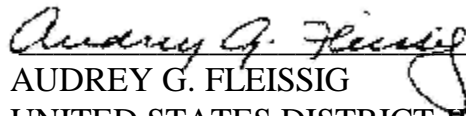
This matter is before the Court on Plaintiff James Shepard's Motion to Amend Scheduling Order (Doc. 22). Plaintiff seeks to be relieved of his obligation to proceed to Alternative Dispute Resolution ("ADR") or, alternatively, to have his pro rata share of the neutral's fee reduced. While Plaintiff states that he does not believe that mediation will be fruitful, the Court is not persuaded that this case is inappropriate for mediation and will therefore deny Plaintiff's request to be relieved from ADR.

With respect to Plaintiff's request for a reduction in his pro rata share of the neutral's fee, the Court directs Plaintiff to Local Rule 16-6.03(C)(2), which states that "A party who demonstrates a financial inability to pay all or part of that party's pro rata share of the neutral's fee may file a motion asking the Court to appoint a neutral who shall serve pro bono." While Plaintiff may be eligible for such a reduction, Plaintiff has failed to demonstrate any actual need for such a reduction to the Court. Plaintiff's sole support for his claim of financial inability is his statement that he "does not have the

funds to expend on fees that would accompany mediation.” (Doc. 22 at ¶7.) Therefore, the Court will deny Plaintiff’s request for a reduction in his pro rata share of the neutral’s fee, without prejudice. Should Plaintiff seek to re-file this motion with the appropriate supporting financial information, he may file such information confidentially with the Court, if needed.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff James Shepard’s Motion to Amend Scheduling Order (Doc. 22) is **DENIED** without prejudice.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 13th day of June, 2011.